PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

1983-84

annual report

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PUBLIC SERVICE
EMPLOYEE RELATIONS BOARD

ANNUAL REPORT
for the

FISCAL YEAR ENDING MARCH 31, 1984

PUBLISHED BY AUTHORITY OF THE
PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

EDMONTON, ALBERTA

To His Honour
Frank Lynch-Staunton
Lieutenant Governor of the Province of Alberta

May it please your Honour,

On behalf of the Public Service Employee Relations Board, I respectfully submit to you the Annual Report for the period from April 1, 1983, to March 31, 1984, pursuant to the requirements of Section 77 of the Public Service Employee Relations Act, Revised Statutes of Alberta, 1980, Chapter P-33 and amendments thereto.

Respectfully submitted,

Neil Crawford
Government House Leader

To: The Honourable Neil Crawford
Government House Leader

Sir:

I have the honour to submit to you, on behalf of the Public Service Employee Relations Board, the Annual Report of the Board for the fiscal period April 1, 1983, to March 31, 1984.

Respectfully yours,

Catherine A. Fraser
Chairman

personnel

PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

Chairman — Catherine A. Fraser, Q.C.

Members —

Thomas K. Biggs

Jack Dyck

Leslie Miller

A. Rodrick Turpin

Executive Director — John F. Elsinga

Secretary — Gordon P. Procinsky

ANNUAL REPORT
OF THE

PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

FOR FISCAL PERIOD ENDING MARCH 31, 1984

introduction

The Public Service Employee Relations Act, Revised Statutes of Alberta 1980, Chapter P-33 came into force on September 22, 1977, upon proclamation by Order in Council 965/77. The act was amended twice during the reporting year.

Section 17 of the statute embraces the right of an employee to be a member of and to participate in the lawful activities of a trade union, and to bargain collectively with an employer through a bargaining agent. The Act also prescribes final and binding arbitration for the resolution of collective bargaining disputes and a concurrent prohibition on strike or lockout action. The two negotiating parties may at any time in their collective bargaining make joint application to the Public Service Employee Relations Board for the appointment of a mediator to assist in settling their dispute.

The legislation also requires that every collective agreement contain a procedure for the resolution of differences between the contracting parties as to the interpretation, application, operation or alleged contravention of their collective agreement, whether by third-party adjudication or such other method as they may agree upon.

The Public Service Employee Relations Act describes in considerable detail the basis upon which employees are to be included in or excluded from a bargaining unit of employees. In that regard Sections 9 and 21 of the Act confer authority upon the Public Service Employee Relations Board to make final and binding determinations where the bargaining agent and employer are unable to settle the matter of employee status for collective bargaining purposes.

Section 48 of the Act precludes the referral of certain times in dispute between the negotiating parties to arbitration. Again, it is the Public Service Employee Relations Board which has the responsibility and authority under the statute to make such determinations. Indeed, that function is an integral part of the Board's activities with respect to each application it receives seeking the establishment of an arbitration board for the resolution of a collective bargaining dispute.

Part 8 of the Act prohibits employees, trade unions and persons acting on their behalf from engaging in certain activities commonly referred to as unfair practices. In this part of the statute, the Public Service Employee Relations Board is given authority to inquire into complaints alleging such unfair practices and to impose remedial action when satisfied upon inquiry as to the substance of the complaint.

overview

The fiscal year ending March 31, 1984, was one marked by alterations in both the composition of the Public Service Employee Relations Board as well as in the legislation which it is assigned to administer.

In November of 1983, a new Chairman and four new members were appointed to the Board, each for a two-year term. They replaced the previous Chairman and members whose appointments expired in 1983.

The Public Service Employee Relations Act was amended twice during 1983. Bill 44, entitled the Labour Statutes Amendment Act, was introduced in the Legislature during the Spring Session and proclaimed in force on July 15, 1983. The principal amendments created by this Bill affected a) the language in the existing statute governing exclusion of employees from established bargaining units; b) the criteria to be considered by arbitration boards in making their arbitral awards; and c) new provisions not previously contained in the Act dealing with the suspension of union dues checkoff in the event of a strike.

The amendments introduced during the Fall Session of the Legislature were minor and procedural in nature, and included provision for the appointment of a second Alternate Chairman of the Board. This Bill, entitled the Public Service Employee Relations Amendment Act, 1983, received Royal Assent and came into force on November 30, 1983.

As this was generally an "off-year" for collective bargaining in the province's public sector, the number of applications filed with the Board requesting the establishment of arbitration boards declined substantially from the previous reporting period. This reduction in bargaining activities is reflected in the annual statistics which form part of this report. A concurrent decline in the number of Board meetings and hearings will be evident as well.

Two decisions of the Board were subjected to judicial review during this year. Both decisions challenged the Board's application of the provisions in the Public Service Employee Relations Act which govern the arbitrability of items claimed in dispute by one or both of the parties in their negotiations. The two cases remain before the courts, one at the Court of Queen's Bench level and the second pending before the Court of Appeal.

application

More than 45,000 public sector employees in Alberta and their employers come within the purview of the Public Service Employee Relations Act. Many of these are employed directly by the Crown in right of Alberta in one of some twenty-four departments of the provincial government administration. These employees function under a common Master Collective Agreement between the Crown in right of Alberta and The Alberta Union of Provincial Employees. Twelve divisional and supplementary contracts, structured on the basis of occupational groupings further define terms and conditions of employment specific to the employees within each of those divisional components.

The proclamation of the Labour Statutes Amendment Act on July 15, 1983, had the effect of transferring a majority of the employees of the Alberta Liquor Control Board out of the jurisdiction of the Public Service Employee Relations Act and into the scope of the Labour Relations Act. Exceptions from that transfer were employees of the Alberta Liquor Control Board in the following offices or departments:

a) the office of the Board;
b) the office of the General Manager;
c) the Licensing Department;
d) the Permit Department.

Other employers and their employees to whom the Public Service Employee Relations Act applies include the following:

Corporations
- Alberta Home Mortgage Corporation
- Alberta Housing Corporation
- Alberta Oil Sands Technology and Research Authority
- Alberta Opportunity Company
- Hail Crop Insurance Corporation

Commissions
- Alberta Alcoholism and Drug Abuse Commission
- Alberta Petroleum Marketing Commission
- Alberta Racing Commission

Universities and Colleges (academic staff excluded)
- Athabasca University
- University of Alberta
- University of Calgary
- University of Lethbridge
- Banff Centre
- Fairview College
- Grande Prairie Regional College
- Grant MacEwan Community College
- Keyano College
- Lakeland College
- Lethbridge Community College
- Medicine Hat College
- Mount Royal College
- Olds College
- Red Deer College

Universities and Colleges (continued)	
	— Southern Alberta Institute of Technology
	— Northern Alberta Institute of Technology
Hospitals	— Alberta Chidlren's Provincial General Hospital
	— Foothills Provincial General Hospital
	— Glenrose Provincial General Hospital
	— The Provincial Cancer Hospitals Board
	— University Hospitals Board
Boards	— Teachers' Retirement Fund Board
	— Workers' Compensation Board
	— The Mental Health Hospital Board, Edmonton
	— The Mental Health Hospital Board, Ponoka
Councils	— Alberta Research Council

administration and personnel

Section 3 of the Public Service Employee Relations Act provides for the establishment of the Public Service Employee Relations Board. Such a Board is to consist of five persons, one of whom is designated as chairman. The statute also contemplates the appointment of two alternate chairmen who are to act in the absence of or on the request of the chairman.

During the year under review, the appointments of D. Blair Mason, Q.C., Chairman, E. L. Bunnell, Alternate Chairman, and members J. P. French, A. Helstein, S. M. Marlowe and G. F. May expired.

By Order in Council 898/83, Catherine A. Fraser, Q.C., of Edmonton was appointed as the new Chairman of the Board, while Thomas K. Biggs of Coronation, Jack Dyck of Edmonton, Leslie Miller of Spruce Grove, and A. Rodrick Turpin of Edmonton were appointed as members of the Board. All appointments became effective November 1, 1983, for a two-year term.

ANNUAL STATISTICS AND COMPARATIVE DATA

April 1, 1983, to March 31, 1984

Section of Act	Nature of Application		Disposition 1981/82	1982/83	1983/84
9	Determinations	Granted	7	13	5
		Dismissed	6	0	0
		Withdrawn	3	5	3
		Outstanding	12	4	5
11	Reconsideration	Granted	0	5	1
		Outstanding	0	0	2
23	Professional Exclusion	Granted	0	10	0
		Refused	0	0	0
		Outstanding	2	0	0
25	Certification	Granted	0	13	2
		Refused	0	7	0
		Withdrawn	0	1	0
		Outstanding	2	0	1
32	Revocation	Granted	0	2	0
		Refused	0	0	0
		Outstanding	1	0	0
39	Failure to Bargain in Good Faith	Granted	0	1	1
		Refused/Dismissed	0	0	0
		Withdrawn	0	1	0
46	Appointment of Mediator	Granted	0	1	1
		Withdrawn	0	0	0
49	Establish Arbitration Board	Granted	1	21	8
		Refused	0	2	1
		Withdrawn	0	1	4
		Outstanding	0	0	2
52	Appointment Chairman & Member Arbitration Board	Granted	1	11	3
		Refused	0	0	0
		Withdrawn	0	0	0
64	Appointment of Adjudicator	Granted	3	4	0
		Withdrawn	0	0	1
		Refused	0	0	0

74	Unfair Practice Complaints	Granted	0	0	0
		Dismissed	4	1	0
		Refused/Withdrawn	4	1	0
		Outstanding	0	0	1
90	Successor Trade Union	Granted	0	0	0
		Dismissed/ Withdrawn	0	4	2

Days of Board Hearings — 1981/82 22 Days
— 1982/83 41 Days
— 1983/84 26 Days

Estimated number of employees affected by Certification
— 1981/82 140
— 1982/83 2,962
— 1983/84 325

Total applications disposed of
— 1981/82 29
— 1982/83 105
— 1983/84 29

Total applications outstanding
— 1981/82 17
— 1982/83 4
— 1983/84 9

budgetary review

Approved Manpower and Operating Costs

PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

		% Change
1981/82	303,606	+9.3
1982/83	687,370*	+51.3*
1983/84	411,676*	−40.1*

* includes $350,000 Special Warrant.
* includes $77,000 Special Warrant.

in appreciation

The Board takes this opportunity to publicly express its appreciation to the Honourable Neil Crawford and his Executive Assistant, Mr. John Scrimshaw for their assistance and cooperation in dealing with the concerns of the Board throughout this past year.